



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	8 VAC 20 – Virginia Department of Education
VAC Chapter Number:	8 VAC 20-650-10 et seq.
Regulation Title:	Regulations Governing the Determination of Critical Teacher Shortage Areas
Action Title:	Promulgate Permanent Regulations
Date:	November 20, 2002

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

House Bill 1404 of the 2000 General Assembly required the Board of Education to establish criteria for determining critical teacher shortage areas for awarding scholarships within 280 days of the bill's enactment. The bill stipulated the following:

The Board of Education shall establish, in regulation, criteria for determining, biennially, critical teacher shortage areas for awarding scholarships pursuant to this section (§ 22.1-212.2:1 of the Code of Virginia). The criteria shall include such factors as the needs in teacher endorsement areas among the several school divisions of the Commonwealth, teacher shortages at the elementary and secondary grade levels, and teacher shortages in rural and urban regions of the Commonwealth. The Program

(Virginia Teaching Scholarship Loan Program) shall be administered by the Board of Education, which shall promulgate such regulations as may be necessary for the implementation of the Program.

Emergency Regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan Program were approved and became effective March 6, 2001. The 2001 Session of the Virginia General Assembly amended the Code of Virginia to include additional provisions to the Virginia Teaching Scholarship Loan Program. On April 26, 2001, the Board of Education approved the NOIRA to promulgate permanent Regulations Governing the Determination of Critical Teacher Shortage Areas for awarding the Virginia Teaching Scholarship Loan.

The proposed regulations are intended to replace the Emergency Regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan Program (VTSLP) that became effective March 6, 2001. The regulations provide a procedure for determining critical teacher shortage areas.

The 2001 Session of the Virginia General Assembly amended the Code of Virginia and enacted section 22.1-290.01 to include additional provisions to the Virginia Teaching Scholarship Loan Program stipulated below:

The Program shall consist of scholarships awarded annually to undergraduate students in the sophomore, junior, or senior year of college, and to graduate students at an accredited public or private four-year institution of higher education in the Commonwealth, who:

- i. are enrolled full-time or part-time in an approved teacher education program, or in a critical teacher education program, or in a critical teacher shortage discipline, as may be determined by the Board of Education;
- ii. are employed as paraprofessionals and are enrolled full-time or part-time in an approved teacher preparation program to become fully licensed as teachers;
- iii. have and maintain a cumulative grade point average of at least 2.7 on a 4.0 scale or its equivalent; and
- iv. are nominated for such scholarship by the institution where they are enrolled.

Students enrolled in any area of an approved teacher education program who are seeking endorsements in elementary or middle education who meet the program requirements may be eligible for such award.

At its September 26, 2001, meeting the Board of Education approved the *Regulations Governing the Determination of Critical Teacher Shortage Areas* and authorized the Department of Education to continue procedures of the Administrative Process Act. The proposed regulations were published in *The Virginia Register* on July 29, 2002. On September 26, 2002, the Board of

Education held a public hearing to obtain further comments on the regulations. No comments were received at that time or during the public comment period that officially concluded on October 2, 2002.

General Assembly funding of the Virginia Teaching Scholarship Loan Program (VTSLP) provides support in the form of scholarships for students who are preparing to teach in critical shortage areas. A process needed to be established to identify the critical teacher shortage areas for the awarding of the scholarships. The regulations establish a reasonable and scientific procedure to collect supply and demand information from school divisions for the identification of critical teacher shortage areas in Virginia.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

At its regular meeting on November 20, 2002, the State Board of Education gave final approval to the Regulations Governing the Determination of Critical Teacher Shortage Areas and authorized the Department of Education to continue the procedures of the Administrative Process Act (APA).

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

The Board of Education shall establish, in regulation, criteria for determining, biennially, critical teacher shortage areas for awarding scholarships pursuant to § 22.1-212.2:1 of the Code of Virginia. The criteria shall include such factors as the needs in teacher endorsement areas among the several school divisions of the Commonwealth, teacher shortages at the elementary and secondary grade levels, and teacher shortages in rural and urban regions of the Commonwealth. The Program (Virginia Teaching Scholarship Loan Program) shall be administered by the Board of Education, which shall promulgate such regulations as may be necessary for the implementation of the Program.

House Bill 252 and House Bill 1589, enacted by the 2001 Session of the Virginia General Assembly, amended (§ 22.1-23 of the Code to say: “The Superintendent of Public Instruction shall...at least annually, survey all local school divisions to identify critical shortages of

teachers, administrative personnel by geographic area, by school division, or by subject matter, and report such critical shortages to each local school division and to the Virginia Retirement System...”.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The proposed regulations provide a procedure for determining critical teacher shortage areas. General Assembly funding of the Virginia Teaching Scholarship Loan Program (VTSLP) provides scholarships to prospective teachers enrolled in teacher preparation programs. The intent of the VTSLP is to support teachers who are preparing to teach in critical teacher shortage areas. A process must be in place to identify those critical teacher shortage areas for the awarding of the scholarships. The goal of the regulations is to collect the supply and demand information from school divisions and provide a reasonable and scientific procedure to identify critical teacher shortage areas in Virginia.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.

The title of the regulations has been shortened from the emergency regulation titled "Regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan Program" to "Regulations Governing the Determination of Critical Teacher Shortage Areas." The proposed regulations stipulate that a survey of instructional personnel and administrative personnel will be conducted to obtain the data needed to establish critical teacher shortage areas. To provide current data, the Board of Education changed the survey from a biennial to an annual survey. This change appears in the section titled, Survey of Local School Divisions.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

There are advantages to the Regulations Governing the Determination of Critical Teacher Shortage Areas. By conducting an annual survey of instructional personnel and administrative personnel, the Department of Education will have accurate and current information regarding staffing needs in Virginia's public school divisions. This information will be used to determine shortage areas for awarding the VTSLP to provide a financial incentive for students who are preparing to teach in the critical teacher shortage areas. The information will also be communicated to teacher and administrator preparation programs so that programs can be adjusted to help address areas of greatest need.

There are no disadvantages to the public or the Commonwealth in the proposed regulations.

Statement of Changes Made Since the Proposed Stage

Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.

Language was added to the proposed regulations to clarify requirements and selection procedures in **8 VAC 20-650-30** for the Virginia Teaching Scholarship Loan Program..

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

No public comment was received during the public comment period.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

The title of the regulations has been shortened from *Regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan Program* to *Regulations Governing the Determination of Critical Teacher Shortage Areas*. The proposed regulations stipulate that a survey of instructional personnel and administrative personnel will be conducted to obtain the data needed to establish critical teacher shortage areas. To provide current data, the Board of Education changed the survey from a biennial to an annual survey. This change appears in the section entitled, Survey of Local School Divisions.

Also, the information below was added to clarify **8 VAC 20-650-30 Virginia Teaching Scholarship Loan Program** (requirements and selection procedures):

8 VAC 20-650-30 Virginia Teaching Scholarship Loan Program Selection

Requirements and Selection Procedures

1. Annually, the teacher preparation institutions in Virginia that have approved teacher preparation programs shall be invited to nominate individuals to receive loans through the Virginia Teaching Scholarship Loan Program. Subject to available appropriations, each nominating institution shall be guaranteed at least one scholarship loan that is designated as the Commonwealth Scholarship in Teacher Education. Scholarships shall be awarded to undergraduate students in the sophomore, junior, or senior year of college, and to graduate students at an accredited public or private four-year institution of higher education in the commonwealth.
2. To be nominated by the college or university, students must be enrolled full-time or part-time in an approved teacher education program, or in a critical teacher shortage discipline or are employed as paraprofessionals and enrolled full-time or part-time to complete an approved teacher education program to become fully licensed teachers; have and maintain a cumulative grade point average of at least 2.7 on a 4.0 scale or its equivalent; are nominated for the scholarship by the

institution where they are enrolled; and are identified as a Virginia domiciliary resident. Students enrolled in any area of an approved teacher education program who are seeking endorsements in elementary or middle education who meet the program requirements may be eligible for the award.

3. Scholarship recipients shall be selected by a panel appointed by the superintendent of public instruction representing the various critical teacher shortage areas, geographic regions of the state, and members of professional organizations. The selection panel shall be composed of representatives from the following categories: a) teachers, b) college and university faculty, c) members of professional organizations, and d) Department of Education personnel. The panel shall select recipients for the teaching scholarship loan from the eligible applicants. Efforts should be made to have an appropriate distribution of scholarships among the identified critical teacher shortage areas.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The Regulations Governing the Determination of Critical Teacher Shortage Areas will not have an impact on the institution of the family and family stability.